

REMARKS

Claims 17 and 18 have been amended. Claims 17 and 18 are now pending for the Examiner's consideration.

Applicants respectfully request reconsideration and withdrawal of the outstanding objections and rejections, in light of the foregoing amendments and following remarks.

The specification has been amended on page 1 to correct and update the priority claim. On pages 2 and 9, paragraphs have been amended to correct literature citations. The specification has further been amended in several places to insert SEQ ID No designations. No new matter is added.

Claim 17 has been amended to recite a particular RTK polypeptide, and claim 18 has been amended to depend from claim 17. No new matter is added. For the reasons that follow, Applicants believe all claims are now in condition for allowance.

Sequence Rules

The Examiner indicates on page 2 of the Office Action that the application fails to comply with 37 CFR 1.821 through 1.825, and refers to an attached Notice to Comply With Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures. The Notice was not, however, attached to the Office Action received by Applicants. In order to expedite prosecution, Applicants submit concurrently herewith a Request to Open New Disk File and a paper copy of the sequence listing. Applicants believe this submission will satisfy the requirements of the Notice not received, which Applicants believe should be identical to that received in the sister application, serial no. 09/939,832. Should the attached submission be insufficient, Applicants request a duplicate copy of the Notice be sent with the next Office Action. Applicants further note that the specification has been amended in several places to insert SEQ ID No. designations.

Claim Objections

Claim 18 was objected to because of the acronym VEGFR as noted on page 2 of the Office Action. Claim 18 has been amended as suggested by the Examiner. Applicants respectfully request that the objection be withdrawn.

Rejection under 35 U.S.C. § 102

Claim 17 was rejected under 35 U.S.C. § 102(e) as anticipated by Williams et al., U.S. Patent No. 6,043,211 ("Williams"), for the reasons set forth on pages 3-4 of the Office Action. By the present amendments, claim 17 now recites a modified VEGFR polypeptide, whereas Williams is directed to a modified PDGFR- β . Accordingly, Applicants respectfully request that the rejection under § 102(e) over Williams be withdrawn.

Rejection under 35 U.S.C. § 101

Claim 18 was provisionally rejected under 35 U.S.C. § 101 as claiming the same invention as that of claim 7 of copending Application Nos. 09/393,832, 09/939,754, and 09/939,833, for the reasons set forth on page 4 of the Office Action. Preliminary amendments were filed in the '832 and '754 applications August 28, 2001, canceling the cited claim 7. Applicants note that the '833 application is the present application and believe the Examiner may have intended to cite Application No. 09/506,906. In this regard, claim 18 has been amended to depend from claim 17 and thus includes the limitations of claim 17 not present in claim 7 of the '906 application. Thus, applicants respectfully suggest the rejection under § 101 does not apply to the claims now pending and should be withdrawn.


Conclusion

Applicants believe all claims are now in condition for allowance. Should there be any issues that have not been addressed to the Examiners satisfaction, Applicants invite the Examiner to contact the undersigned attorney.

If any fees other than those submitted herewith are due in connection with this response, including the fee for any required extension of time (for which Applicant hereby petitions), please charge such fees to Deposit Account No. 500329.

Respectfully submitted,

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